

## **REMARKS**

The following remarks are responsive to the Office Action of December 17, 2007. This response is being filed within the shortened statutory three-month time period set for response in the Office Action. No fee is believed to be due. However, if any fee is found to be due in connection with this response, authorization is provided to charge the fee to Deposit Account No. 50-0573.

### **Summary of the Rejections**

In the December 17, 2007 Office Action, claim 25 was rejected under 35 U.S.C. 112 as lacking antecedent basis for the term "said universal brackets."

In addition, in the December 17, 2007 Office Action, the claims were rejected under 35 U.S.C. 102(b) as being anticipated by Buell. It was not specified which claims were rejected based on this reference. In addition, claims 1, 14, 15, and 17 were rejected under 35 U.S.C. 102(b) as being anticipated by Yamada. Furthermore, claims 1-6 and 14-16 were rejected under 35 U.S.C. 102(b) as being anticipated by Bourget.

Finally, in the December 17, 2007 Office Action, the claims were also rejected pursuant to 35 U.S.C. §103(a) as obvious. Specifically, Claims 7-10 and 18-22 were rejected under 35 U.S.C. §103(a) over Bourget in view of Boncela. In addition, Claim 23 was rejected under 35 U.S.C. §103(a) over Bourget in view of Boncela, in further view of Warne. Claim 24 was rejected under 35 U.S.C. §103(a) over Bourget in view of Boncela and Warne, and in further view of Adachi. Claims 25-27 were rejected under 35 U.S.C. §103(a) over Bourget in view of Boncela, Warne, and Adachi, and in further view of Greene. Claim 28 was rejected under 35 U.S.C. §103(a) over Bourget in view of Boncela and Warne, and in further view of Ando. Claims 11 and 13 were rejected under 35 U.S.C. §103(a) over Bourget in view of Boncela, and in further view of Brown. Claim 12 was rejected under 35 U.S.C. §103(a) over Bourget in view of Boncela and Brown, and in further view of Dennert. Claims 7-10, 18-22, and 30-32 were rejected under 35 U.S.C. §103(a) over Bourget in view of Hundley. Claims 33 and 34 were rejected under 35 U.S.C. §103(a) over Bourget in view of Hundley, and in further view of Greene.

As discussed in more detail below, Applicant submits that the references, viewed individually or in combination, fail to teach or suggest a frame and bracket system in which the underslung frame provides substantially all support for the engine block from the bottom. In

addition, Applicant submits that the references, viewed individually or in combination, also fail to teach or suggest a frame that does not have a top tube section that is affixed to the steering neck tube and which extends over a top section of said engine block to a rearward section of the frame, which would block the view of the engine. Independent claim 1 has been amended to further clarify the present invention.

### **The 35 U.S.C. § 112 Rejection**

Claim 25 stands rejected under 35 U.S.C. § 112 as having insufficient antecedent basis for the limitation "said universal brackets." Applicant has amended claim 25 to address this rejection and submits that claim 25 now comports with the requirements of 35 U.S.C. § 112.

### **The 35 U.S.C. § 102(b) Rejections of Claims**

Unspecified claims stand rejected under 35 U.S.C. § 102(b) as anticipated by Buell, claims 1, 14, 15, and 17 stand rejected 35 U.S.C. 102(b) as being anticipated by Yamada, and claims 1-6 and 14-16 stand rejected under 35 U.S.C. 102(b) as being anticipated by Bourget. Applicant respectfully traverses the rejection. The present application as amended claims a frame and bracket system in which the underslung frame provides substantially all support for the engine block from the bottom, and also claims a frame that does not have a top tube section that is affixed to the steering neck tube and which extends over a top section of said engine block to a rearward section of the frame, which would block the view of the engine. Such a frame is not disclosed, suggested or taught by Buell, Yamada, or Bourget.

Buell discloses several frames, all of which include frame members that support the engine from the top, and all of which include top tubes sections that are affixed to the steering neck tube and which extend over a top section of said engine block to a rearward section of the frame. Figure 1 of Buell shows a geodesic type frame. The frame includes upper members 10 and 11 that provide support to said engine through tie link 28, and which extend from the steering neck tube to a rearward section of the frame, over the engine. Figure 3 of Buell includes unnumbered upper members that support the engine through tie links 25' and 28', and these upper members extend from the steering neck to a rearward section of the frame, over the engine. Figure 4 likewise shows a frame with an unnumbered upper member that supports the engine at point 28. Figures 5 and 6 show frames in which the support of the engine is primarily through

the shown upper supports that extend over the engine, as the frame does not have lower horizontal members like the claimed invention. Thus, Buell does not disclose the claimed invention because it discloses frames that have upper support members that support the engine, and not a frame in which substantially all the support for the engine is provided by horizontal frame members at the bottom of the frame.

For the same reasons, Yamada and Bourget also fail to disclose the claimed invention as amended. Yamada discloses a standard motorcycle frame having a top tube 2, which Figure 3 shows includes a support for the engine. As the Examiner notes, this type of frame is a “common configuration among motorized vehicles and motorcycles.” Office Action at p. 2, para. 7. Bourget also discloses a typical top tube configuration, and in Fig. 4 shows top tubes 62 and 64 which extend from the steering neck to a rearward section of the frame, and which provide support to the engine. Accordingly, Yamada and Bourget are deficient in disclosing an underslung frame as claimed by Applicant, which provides substantially all support for the engine through bottom horizontal members, and which does not have a top tube or top tubes extending from the steering neck to a rearward section of the frame, over the engine.

As disclosed in Applicant’s application as filed, Applicant’s invention is unique because it provides full support for the engine from the bottom and does not include a toptube. Applicant stated:

“the subframe tubes affixed to the steering neck tube must be able to withstand the forces placed on them without either the usual structural support toptube member found on motorcycles and other motorized vehicles that extends from the steering neck tube, over and perhaps attached to the engine, to a rearward section of the frame, or a structural member extending from the steering neck tube to the engine.

Para 0049. As Applicant also stated:

[T]he steering neck tube and subframes are structurally capable of fully supporting the engine without the need for the usual toptube frame member found on motorcycles, which generally consists of a member connected at one end to the steering neck tube, which then travels over the engine, and which then connects on the other end to a rearward part of the motorcycle frame.

Para 0050. As further noted by the Applicant, prior art frames with a toptube over the engine “Obscures the engine from the rider and lessens the visceral effect to the rider.” Para. 0006.

None of the 102(b) references cited by the Examiner has a frame without a top tube, and none has a frame in which the engine is supported substantially fully by horizontal frame members below the engine.

As indicated above, Claim 1 was amended to further clarify the features of the present invention that are not disclosed in Buell, Yamada, or Bourget. Claim 1, as amended, recites a frame that “does not have a top tube section that is affixed to said steering neck tube and which extends over a top section of said engine block to a rearward section of said frame” and “horizontal sections [of the subframes] that provide substantially all support for said engine block.” These features are not disclosed, taught, or suggested by Buell, Yamada, or Bourget. Thus, independent claim 1, and all subsequent dependent claims, should be allowable.

#### **The 35 U.S.C. § 103(a) Rejections of Claims**

As noted above, the December 17, 2007 Office Action rejected a number of the claims of the pending application pursuant to 35 U.S.C. § 103(a) as obvious. Specifically, Claims 7-10 and 18-22 were rejected over Bourget in view of Boncela; Claim 23 was rejected over Bourget in view of Boncela, in further view of Warne; Claim 24 was rejected over Bourget in view of Boncela and Warne, and in further view of Adachi; Claims 25-27 were rejected over Bourget in view of Boncela, Warne, and Adachi, and in further view of Greene; Claim 28 was rejected over Bourget in view of Boncela and Warne, and in further view of Ando; Claims 11 and 13 were rejected over Bourget in view of Boncela, and in further view of Brown; Claim 12 was rejected over Bourget in view of Boncela and Brown, and in further view of Dennert; Claims 7-10, 18-22, and 30-32 were rejected over Bourget in view of Hundley; and Claims 33 and 34 were rejected over Bourget in view of Hundley, and in further view of Greene. Applicant respectfully traverses the rejections. The present application as amended claims a frame and bracket system in which the underslung frame provides substantially all support for the engine block from the bottom, and it also claims a frame that does not have an upper member that extends from the steering neck to a rearward section of the frame, which would block the view of the engine. A frame that provides substantially all support for the engine block from the bottom, and does not have an upper member that extends from the steering neck to a rearward section of the frame is not disclosed, suggested or taught by Bourget, which is a common reference to each of the Examiner’s 103(a) rejections.

As discussed above in relation to the rejection of Applicant's claims as anticipated pursuant to 35 U.S. 102(b), Bourget does not disclose each element of claim 1. As amended, Claim 1 requires that the "frame does not have an upper member extending from said steering neck tube to a rearward section of said frame." In addition, Claim 1 requires that the "horizontal sections [of the subframes] provide substantially all support for said engine block." Bourget does not disclose these elements.

Accordingly, Bourget in combination with any of the other references cited by the Examiner cannot and does not disclose each element of Claim 1 of the present application. That is, none of the 103 references cited can combine with Bourget to disclose each element of Claim 1. Specifically, Boncela is cited for a universal bracket and does not disclose a frame without an upper member or a frame in which the horizontal section provide substantially all support for the engine block. Similarly, none of the additional references -- Warne, Adachi, Greene, Ando, Brown, Dennert, or Hundley -- discloses a frame without an upper member or a frame in which the horizontal section provide substantially all support for the engine block. Therefore, none of the combinations of references cited by the Examiner discloses all of the elements of claim 1 as amended, and therefore independent claim 1, and all subsequent dependent claims, should be allowable.

As indicated above, the claims are amended to further clarify the features of the present invention that are not disclosed in the 102(b) or 103(a) references cited by the Examiner. Specifically, claim 1 is amended, and as amended it recites a frame that "does not have a top tube section that is affixed to said steering neck tube and which extends over a top section of said engine block to a rearward section of said frame" and "horizontal sections [of the subframes] that provide substantially all support for said engine block." These feature are not disclosed, taught, or suggested by any of the references cited. Thus, independent claim 1, and all subsequent dependent claims, should be allowable.

### Conclusion

In view of the foregoing, reconsideration and allowance of all pending claims is respectfully requested.

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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